

THAW STILL INSANE, DR. FLINT TESTIFIES

Says He Has Paranoia Now and Would Be Dangerous If Set Free.

RECOVERY IS IMPOSSIBLE

Justice Keogh Denies Jerome's Request to Have Case Given to Another Justice.

WHITE PLAINS, July 1.—William T. Jerome, who is representing the Attorney General in opposing the writ of habeas corpus whereby Harry K. Thaw is trying to get his release from the Matteawan asylum, to-day made an unsuccessful attempt to have the proceedings in the present inquiry halted and Thaw ordered back to Matteawan, or to have another Justice take charge of the hearing. He asked that the hearing be declared a mistrial, and that the application for the writ by Thaw be refused, on the ground that Justice Keogh, designate some other Justice of the Supreme Court to sit during the rest of the inquiry.

"I deem it my duty at this time to make this request," said Mr. Jerome, addressing Justice Keogh, when court opened to-day, "and I ask your Honor to dismiss the writ or designate some other Justice to hear the case."

"I have not the slightest recollection," said Justice Keogh, "of what I advised Russell Peabody at the time he was severing his connection with Clifford W. Hartbridge. In fact, the whole thing had passed from my mind until Thaw testified one day last week, and then I remember that I had given advice of some sort to Peabody in regard to settling his differences with his partner. At the present time there is no impression on my mind of the advice that I gave at that time over three years ago and I know of nothing that will interfere with my giving a just and unprejudiced decision in this inquiry. I think therefore we can proceed, and I will deny your motion."

The matter of reading the 9,000 word hypothetical question to the experts of both the State and the defense was then taken up. It was agreed that Mr. Jerome could have his three experts in court and they could listen to the reading of his hypothetical question. In this way the necessity of reading it three times could be obviated. The State's experts, Dr. Austin Flint, Dr. Carlos E. MacDonald and Dr. William Mahon, superintendent of the Manhattan State Hospital on Ward's Island, have been in court all throughout the hearing and have observed Thaw while he has been giving testimony and seated in the court room listening to others testify for or against him. The alienists for the defense are Adolph Meyer of the John Hopkins University, Dr. Fred R. K. Mills of the University of Pennsylvania and Prof. Fred Peterson of Columbia University. They will testify from examinations they have made of Thaw.

Much of the morning session was taken up by W. R. Russell, associate counsel for Thaw, in reading from the case book or record of Thaw during his confinement in Matteawan. This record is about 400 pages long.

The reading of the case book finally gave way to the testimony of Dr. Austin Flint. Mr. Jerome began to question him in laying the foundation for the hypothetical question as to the sanity or insanity of Thaw. Dr. Flint said he first saw Thaw on June 26, 1906, in the Tombs. He made no special examination at that time. On the following day he saw Thaw again. This was in the library of the District Attorney's office in New York City. There were present Dr. MacDonald, Dr. Mahon, Mr. Garvan and Mr. Hamilton, the latter from Judge O'Leary's office.

Dr. MacDonald began the examination by asking Thaw's name and age. Thaw made no answer but looked angered. He was told any statement he might make could be used against him. After refusing to talk Thaw turned to the witness and asked him how his, the doctor's, son was. He told the witness he had not the son.

Dr. Flint told of observing Thaw during the criminal trials and again in May, 1908, in the course of habeas corpus proceedings before Justice Keogh. He said that Thaw kept repeating the same thing, "I am innocent." He had again observed him in the course of proceedings before Justice Keogh in 1908. He had been observing Thaw during the last trial. He had read and studied the case book, had examined the will and codicil, the Long-fellow letters and also the letter to Gov. Dix. He had read the letter or monologue called "Secret Revealed."

Mr. Jerome continuing asked Dr. Flint to define paranoia and the alienist said the symptoms were hallucinations, delusions and exaggerated ego.

"From the facts I have related to you and from your observation of Thaw for eighty days, and from the symptoms, the documents, all in Thaw's handwriting, are you able to form an opinion as to the present mental condition of Thaw?"

"In your opinion is he sane or insane at the present time?"

"Insane," was the answer. This announcement seemed to surprise Thaw and his mother, who was sitting alongside of him, and they both turned pale and looked nervous.

"From what form of insanity does Thaw suffer?"

"True paranoia," said Dr. Flint. "Do paranoiacs ever recover?"

"Never."

"Are paranoiacs liable to manifest delusions?"

"Yes."

"Are paranoiacs dangerous to be at large and are they liable to harm others?"

"Yes."

Mr. Jerome then began to read the 15,000 word hypothetical question concerning Thaw's past life, the public allegations for the State listened to the reading, and they will be asked to answer the question when they take the stand.

After Mr. Jerome had read the hypothetical question he asked Dr. Flint:

"What in your opinion is the present mental condition of Harry K. Thaw?"

POSTAL CITES CASES AGAINST WESTERN UNION

Files Brief Regarding Telegrams With Public Service Board.

SOME INSTANCES IN POINT

London Newspaper Quoted as Saying That Healthy Competition Is in Danger.

The complainant's brief in the matter of the Postal Telegraph-Cable Company against the New York Telephone Company as to alleged diversion to the Western Union Telegraph of telegrams intended for the complainant was filed yesterday with the Public Service Commission, as ordered at the conclusion of a hearing held in Albany on June 4. It reviews the evidence submitted at that hearing and then sets forth the arguments advanced in support of a petition for an order compelling the telephone company to discontinue the alleged diversion of telegrams and to instruct its operators to ask what telegraph company is desired when a patron states that he wishes to send a telegram.

It is averred that the telephone company has violated its legal obligation to be impartial and to give equal rights to both telegraph companies. A number of cases are cited in which it is shown that the telephone company has given the Western Union the call of "Telegram" in violation of this principle.

The July number of the Postal Telegraph gives instances from several States of alleged diversion of telegrams to the Western Union through the refusal of telephone operators to connect a sender with the Postal company. The views of newspapers in England and France on the situation also are given. This is the report sent by the Postal's manager at Frederick, Md.

I wish to report the following instance, which may be of interest to you. On March 18 I had occasion to send a telegram late at night, and asked the telephone operator to connect me with the Postal Telegraph. In a few moments she connected me with a party and I asked them, "Is this the Postal Telegraph?" She replied, "Western Union."

I hung up the receiver and then told Central that I asked her for Postal Telegraph and that she connected me with Western Union instead. She then replied, "I will take your message all right." I then told her that I wished to give the message to the Postal, as I had an account with them and that I would connect me with them. She then replied, "You will have to give me the number," which I was obliged to look up before I was connected with your branch office.

I thought perhaps you might care to be in possession of these facts, as it seems to be a chronic state of affairs.

Frank Lawrence Embree, a book importer and manufacturer who lives in Roselle, N. J., says that he frequently calls for Postal messenger boys and is invariably connected with the Western Union company and when he got a connection asked if he were talking to the Postal and was told he was not. He says he has called the Postal by number. Henry Schaefer Jr., of 229 Amsterdam avenue, says that he tried to send a message by telephone and was connected with the Western Union company. When a connection again was established he was told to go ahead with his message and did so. He learned the next day that the message had gone by the Western Union.

The Gelatine Products Company of Baltimore, Md., says that he called the Postal on the telephone and got the Western Union. He says that he broke the connection and again was connected with the Western Union. He says he called the Postal three times before he succeeded, having been compelled to wait several minutes on the last call.

He says the boy at the Postal told him he answered the telephone as soon as it rang.

W. Frank Mathews, a New York cigarette dealer, says that he frequently calls for Postal messenger boys and is invariably connected with the Western Union company and when he got a connection asked if he were talking to the Postal and was told he was not. He says he has called the Postal by number. Henry Schaefer Jr., of 229 Amsterdam avenue, says that he tried to send a message by telephone and was connected with the Western Union company. When a connection again was established he was told to go ahead with his message and did so. He learned the next day that the message had gone by the Western Union.

The view taken of the situation by the London Telegraph is that the excellent telegraph service furnished by both the Postal and Western Union companies, which makes negotiation for government ownership almost absurd, has been brought about only because competition has been destroyed and the Postal and Western Union companies have entered into a working agreement between the New York Telephone Company and the Western Union is likely to destroy this healthy condition of the telegraph business.

AMBULANCES FOR THE 4TH.

There'll Be a Complete Field Hospital at the City Hall.

A feature of the celebration of the Fourth of July in New York is the plan of the National Volunteer Emergency Service to provide instant medical attention whenever and wherever it may be required. A fully equipped field hospital will be erected at City Hall. There will be a corps of medical officers and nurses, and ambulances will be stationed at various points throughout the city.

The upper West Side Fourth of July committee has arranged a series of celebrations that will last throughout the day. In the morning the 10th and 11th regiments of the National Guard will drill at 165 on West 102nd street.

A 4 o'clock in the afternoon there will be a celebration at Grant's Tomb on Riverside Drive. It will include a band concert, drills by the 10th and 11th regiments and the First Battery and addresses.

In the evening there will be a band concert and a fireworks display at Riverside Drive and 101st street.

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WHITRIDGE HITS OUT.

In the conduct of my work I have been put to great expense and have been considerably delayed and hampered by the activities of the Public Service Commission. That body has been of no service to this property or to that portion of the public served by it and it has burdened me with correspondence, orders and litigation which have attracted some attention. A copy of the correspondence I annex hereto.

The commission has brought ten suits against me, one of which was of a really outrageous character, and in all of which they have been defeated. It should be mentioned that the commission has many times issued or authorized public statements from which it would appear that everything which has been done by myself or by the other officers of this court in respect to the surface railways of this city has been done directly or indirectly by the Public Service Commission. This is a delusion I have not endeavored to combat, as it seems to be a matter for the alienists, in respect to the correspondence, it should be mentioned that everything I have said is in the nature of a reply to some letter or order of the public body.

Among other things in his report Mr. Whitridge points out that in his receiver ship the road's net earnings went from \$1,000,000 to \$2,000,000, the road received \$200,000 from the Metropolitan in adjustment of reciprocal claims, a number of new franchises were received and lines constructed, and employees' benefit association was started, which enlisted 80 per cent. of the men, and equipment was put into efficient order. He gives much credit for the work to E. A. Maher, general manager.

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Field in Central Park Proves Fertile for That Grain.

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